

F-S

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

David J. Doby

COMPLAINT

(Enter above the full name of the plaintiff in this action)

v.

Civil Action No. _____

N.J.D.C.

(To be supplied by the Clerk of the Court)

S.I.D

Bayside State Prison

(Enter the full name of the defendant or defendants in this action)

INSTRUCTIONS; READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$400.00 (a filing fee of \$350.00, and an administrative fee of \$50.00), your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

5A

New Jersey Department of Corrections
is to maintain an appropriate level
of inmate supervision to ensure the
safe, secure, and humane confinement
of all assigned inmates.

I believe NJDOC violated my
rights in many ways.

I was sexually abused, raped
and molested multiple times in their
"Safe and Secure environment"

I've been harassed and
threatened due to my sexuality.
Scared for my life again under
their "Safe and Secure environment".

I'm also being punished for
being a victim.

They failed to protect me in
any type of way. I'm receiving
cruel and unusual punishment. It's
caused mental anguish. Emotional
pain, suffering. Severe depression
and severe anxiety.

Special Investigation Department is
a part of New Jersey Department of
Corrections. Investigating alleged
infractions, misbehaviors, P.R.E.A. claims,
etc. Making sure the New Jersey
Department is running correctly.

6E

All of this caused Severe mental anguish... I already deal with several mental health issues. This just made matters worse. Not only Severe Depression or Severe Anxiety, I'm now also severely scared. I'm scared of retaliation for reporting such sexual abuse incidents... I still have to be here in the New Jersey Department of Corrections System. I still have to walk these grounds. I can run into anybody.

I keep having nightmares about being raped or nightmares that someone's trying to murder me.

I feel scared. Sometimes to go into the shower and where I'm at right now, the shower doors lock!

It's also difficult to be around people. Not knowing someone's motive,

6F

3. Defendant Bayside State

Prison put me through so much. From housing me in a cell that should be condemned.

Threatened me with charges if I continued to mention the condition of the cell.

Booking me up with just anybody. I'm gay, I have severe mental health issues. I should be housing with someone like myself, I was literally harassed and threatened by my cell mate and numerous gang banging inmates. Telling me if I didn't leave the room,

they would find me trying to stress the situation with the officers that my life is in danger to please put me in another cell

was dismissed like nothing, in order to get out of that situation,

I had to get a 254 charge:

Refusing a work or housing assignment.

66

Even the Sergeant wouldn't help
me.

Then the abuse. Sexist Abuse.
I bet it's king about it. Picturing
it. A number of inmates
approached me with sexual favors
in the shower. Some were ok
with the word "no". And some
weren't. I had to go through
being choked while someone thrusts
his penis in and out my mouth.

Having someone come behind me,
kiss my neck and literally rubbing
his penis on my buttox. Just
slightly entering me before

someone came in the shower,
thank goodness! Having to
watch multiple people pleasure
themselves. And having someone
try ~~to~~ sucking my penis and
literally put his fingers in my
ass. It's not right. I should
have not had to experience
this.

64

4. Defendant Southwicks Stat

Prison definitely put me through
Cruel and Unusual Punishment.

First off, between Administration

and SID, I should have been

placed in CCU-A Pod 1006 for

one night to Separate me from

Crawford, Hassen # 874756 B.

That's what I was told my SID.

that Administration was very

known that it was for one day.

I ended up being there for

two months. No nothing, no

movement at all. No Cafe Rec,

no kiosk, no outside Rec, no

Church, nothing, Only Shower.

The first two nights I had to

Sleep on a bare mat, they

said they had no sheets.

During my stay there in

CCU 1006, I was denied any

type of disinfectant to clean

walls. We have Covid going

on and I have no type

6.1

of cleaner. I literally had to clean five floods from inmates who get the great idea to flood their cells with toilet water, no disinfectant to clean that.

Cell number 1005 literally has human fecies on the walls and doors. The odor when the air was out was ridiculous.

I had to sleep with a mask on, on occasional nights. They followed no type of COVID 19 protocol for sanitation.

7A

I request that the court
grant me the following relief:

1. Order defendants NYDOC, SID,
Bayside State Prison and South
Woods State Prison to each pay
Compensatory Damages in the
amount of Twenty Five Thousand
Dollars, which comes to a total
of One Hundred Thousand Dollars
(\$ 100,000.00)

2. Order defendants NYDOC, SID,
Bayside State Prison and South Woods
State Prison to each pay Punitive
damages in the amount of Twenty
Five Thousand Dollars, which comes
to a total of One Hundred Thousand
Dollars, (\$ 100,000.00)

3. Order defendants NYDOC, SID,
Bayside State Prison, and South Woods
State Prison to each pay mental
Anguish - Pain and Suffering damages

7B

in the amount of Twenty Five
Thousand Dollars, which comes to a
total of One Hundred Thousand Dollars
(\$100,000.00)

4. Order defendants NYDOC and
South Woods State Prison to each pay
Cruel and Unusual Punishment damages
in the amount of Seven hundred
Dollars a day from 06/24/21 to
08/24/21, which comes to a total
of Forty Two Thousand Dollars
(\$42,000.00)

5. Order defendants NYDOC, SID, Bayside
State Prison, South Woods State Prison to
refrain from any acts of retaliation that
can be inferred (directly or indirectly) as
being related to this claim.

6. Order defendants NYDOC, SID, Bayside State
Prison and South Woods State Prison
to each pay reasonable
attorneys' fees and cost under

7C

42 U.S.C. § 1983; and

7. Grant any other further relief this court deems just and proper.

David Doby, SBI #303073C
c/o Bayside State Prison
PO Box F-1
Leesburg, NJ 08327

April 12, 2021

Office of the Corrections Ombudsman
PO Box 855
Trenton, NJ 08625

To whom it may concern,

I'm currently residing at Bayside State Prison here within the New Jersey Department of Corrections. I'm housed on E-Unit, Cell 2-1-6-Down, the cell is condemned with numerous plumbing issues. I brought this issue to the attention of my unit officers, but its constantly ignored. I've written the Maintenance Department via the inquiry box on the Kiosk machine but was yet again ignored. They moved me last night because of a door issue, but yet to another condemned cell. Also, I'm experiencing a major health issue that I've addressed with the unit officers, as well as, my current bunkmate. My current bunkmate refuses to acknowledge the Covid-19 protocols that are in place here within the facility. The unit officers aren't even acknowledging let alone respecting them, despite my numerous complaints I respectfully brought to their attention. I'm scared for my life living with this individual who won't shower, wear his mask, wash his hands or even accept that this Covid-19 pandemic is real. I don't want to get sick or die within this prison environment due to Covid-19.

I was threatened by The Administration Department with charges if I continue to complain about the cell conditions, as well as, my Bunkmate. They said "that maintenance will be notified and I can't choose who I bunk with". Maintenance did come out only after SID got involved but yet did not repair anything. And to this day, they still haven't addressed the health issues with my bunkmate too.

In accordance with **10A:14-2.2(b)(c) Grooming, Showering, and Shaving**. My bunkmate should be the one subjected to disciplinary infractions for violating grooming standards. But yet I'm the one being threatened for being concerned for my health safety. **10A:14-4.1(c) Housekeeping explicitly state that an inmate is responsible for cleaning their living and work place.** (Please see rules below). I shouldn't be forced to endure unsanitary living conditions in any way, form, or fashion. Especially with this Covid-19 pandemic occurrence, top with all these new variant strands that it popping up throughout America. I'm simply looking for someone to intervene on my behalf to resolve this issue without me being subjected to threats and intimidation of any kind.

10A:14-2.2 Grooming, showering and shaving

(a) Inmates in general population shall be permitted to shower and shave daily, unless an emergency situation or security hazard exists.

(b) All inmates are expected to maintain an adequate level of personal cleanliness and hygiene in accordance with the internal management procedures established by the correctional facility.

(c) Inmates who do not maintain an adequate level of personal cleanliness and hygiene may be subject to disciplinary action as set forth in N.J.A.C. 10A:4.

As with the bunkmate situation, there has to be some sort of exception. To be forced to share a cell with somebody like that is not healthy. He needs to be in a Mental Hospital.

10A:14-4.1(c) Housekeeping

(c) Inmates shall keep their immediate living and working areas clean.

Please look into this matter and help me get into an uncondemned cell, as well as, be subjected to a cellmate who don't care about his owe health safety.

Sincerely,

David Doby, Appellant

6. If you cannot prepay the \$400.00 fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. §1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

7. If you are given permission to proceed in forma pauperis, the \$50.00 Administrative Fee will not be assessed. The Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1a. Jurisdiction is asserted pursuant to (CHECK ONE)

- 42 U.S.C. §1983 (applies to state prisoners)
 Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

1b. Indicate whether you are a prisoner or other confined person as follows:

- Pretrial detainee
 Civilly-committed detainee
 Immigration detainee
 Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Other: (please explain) _____

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Court and docket number: _____

c. Grounds for dismissal: frivolous malicious
 failure to state a claim upon which relief may be granted

d. Approximate date of filing lawsuit: _____

e. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? _____

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any.)

a. Name of plaintiff: David J. Doby

Address: 215 Burlington Road South, Bridgeton, NJ 08302

Inmate#: 1267618 / 303073 C

b. First defendant:

Name: New Jersey Department of Corrections

Official position: _____

Place of employment: Whittlesey Rd. P.O. Box 863

How is this person involved in the case? Trenton, NJ 08625

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Please see attached Sheets pages SA - 5B for Defendant NSDOC and additional defendants.

c. Second defendant:

Name: Special Investigation Department

Official position: _____

Place of employment: _____

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Please See attached Sheets, pages SA - 5B for Defendant S.I.D and additional defendants.

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

Yes No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

Wrote to and requested Institutional Transfer
Wrote Inmate Remedy System forms (IERSF-101)
and met with S.I.T.
also contacted Ombudsman

If your answer is "No," briefly explain why administrative remedies were not exhausted.

6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

I wrote a 5 page letter pages
to A-6E detailing how each defendant
violated my rights, including the
dates and times. However, the
space provided isn't adequate enough.
Please see attached sheets, pages
6A-6E for Statement of Claims.

7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

I have written out precisely what I would like this court to do. However, the space provided isn't sufficient to list my requests. Please see pages 7A-7B

8. Do you request a jury or non-jury trial? (Check only one)

Jury Trial () Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 17 day of September, 2021.

D. Doby

Signature of plaintiff*

(*EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT).